

# THE C-SPAN NETWORKS

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February 3, 2005

## **EX PARTE**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20054

### **Re: Multi-Cast Must Carry; CS Docket No. 98-120**

Dear Ms. Dortch:

On February 1, 2005, Brian P. Lamb, Chairman and Founder of C-SPAN, and Bruce D. Collins, Corporate Vice President and General Counsel of C-SPAN, met for approximately 30 minutes with Commissioner Michael Copps and his legal assistant Jordan Goldstein.

C-SPAN is a private, non-profit public service of the cable television industry. Like the state-based networks, it is a charitable organization exempt from federal tax pursuant to Section 501(c)(3) of the tax code. The cable industry created C-SPAN in 1979 and C-SPAN2 in 1986 to provide live, gavel-to-gavel coverage of the U.S. House of Representatives and the U.S. Senate respectively. In 1997, C-SPAN launched C-SPAN3, a 24-hour digital offering, to provide more choice in public affairs television.

During the meeting, Mr. Lamb spoke of C-SPAN's long-term opposition to analog must carry on both constitutional and practical grounds, and of how the C-SPAN Networks' carriage levels have still not completely recovered from the loss of distribution they experienced when cable operators were first required to give every local broadcast station licensee must carry status on their analog systems. He said that C-SPAN has been consistent over many years in its view that the government should not be in the position of giving an automatic preference to the speech of any broadcaster over the speech of any cable programmer. He said the proposed multi-cast must carry rule does the same thing in the digital environment – it unfairly favors broadcasters to the disadvantage of cable programmers, and it does so without serving the public interest enough to justify the harm done to other speakers who do not hold broadcast licenses.

In response to Commissioner Copps' comment about the opportunity in the digital environment for broadcasters to use multiple streams of programming to meet new public interest obligations, Mr. Lamb responded that C-SPAN, PCN, MGTV, TVW and The California Channel, all cable-distributed public affairs networks, have been serving the public interest for many years in part because no broadcasters wanted to offer those services and that there is little reason to believe that any will want to do so in the future.

Respectfully submitted,

**The C-SPAN Networks**

//signed//

Bruce D. Collins, Esq.  
Corporate Vice President & General  
Counsel